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EXAMINER

KIM, PAUL D

ART UNIT PAPER NUMBER

3729

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/006,253

Applicant(s)

JIANG, KEVIN G.

Examiner

Paul D Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because the abstract does not sufficiently describe the claimed invention. Correction is required. See MPEP § 608.01(b).
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --A METHOD FOR INSERTING A DISK DRIVE INTO A PERIPHERAL BAY CHASSIS--.

### *Claim Objections*

3. Claims 18-21 are objected to because of the following informalities:

Re. Claim 18: The phrase "a disk drive" recited in line 3 should be --the disk drive--.

The phrase "[and the upper engagement point]" recited in lines 11 and 12 should be deleted with a line cross out the phrase.

Re. Claim 20: The phrase "a release tab" recited in line 2 is not indicated where the release tab is located or attached. Examiner assumes the release tab is attached to the latch mechanism.

Re. Claim 21: The phrase "a disk drive" recited in line 2 should be --the disk drive--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re. Claim 19: The phrase "contacting an adjacent disk drive with at least...with a disk drive connector" recited in lines 2 and 3 renders the claim vague and indefinite. It is unclear whether the adjacent disk drive is the same disk drive recited in claim 18 in line 3 or a new disk drive. If the adjacent disk drive is the same disk drive recited in claim 18 in line 3, examiner suggests changing "an adjacent disk drive" to --the disk drive--.

If the adjacent disk drive is NOT the same disk drive recited in claim 18 in line 3, where is the adjacent disk drive located? Is it already in the peripheral bay cassis inserted with another base of a disk drive carrier or before inserting into the peripheral bay cassis? It is not clear whether the adjacent disk drive is in the peripheral bay cassis or not. According to the scope of invention recited in lines 1-2, the claimed invention of the inserting method is only one disk drive. If the original disk drive recited in claim 18 in line 3 and the adjacent disk drive are inserting into the peripheral bay cassis contacted with the at least one conductive finger clip, the scope of invention needs to be changed.

Based on the adjacent disk drive is NOT the same disk drive recited in claim 18 in line 3, the limitations "contacting an adjacent disk drive with at least one conductive finger clip" is still unclear whether the finger clip is contacted the adjacent disk drive or the original disk drive recited in claim 18 in line 3 is contacted to the adjacent disk drive with the finger clip.

Also, the limitations "prior to engagement of a high speed back plane with a disk drive connector" is still unclear where the high speed back plane and the disk drive connector are located. Are they in the original disk drive recited in claim 18 in line 3 or the adjacent disk drive or somewhere else?

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 18-21 are, as best understood in view of the rejections under 112 second paragraphs, rejected under 35 U.S.C. 102(e) as being anticipated by Tirrell et al. (US PAT. 5,828,546).

Tirrell et al. teach a method for inserting a disk drive into the peripheral bay cassis (90) comprising steps of: receiving a disk drive (35) into a base of a disk drive

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carrier (40), wherein the base has an upper most surface and being attached to a latching mechanism (10) as shown in Fig. 2, wherein a lever (10a) can rotate between an open position (see also Fig. 1a) and a closed position (see also Fig. 3), the lever having an upper (10a) and lower engagement points (10c,10d) (see also Fig. 5); inserting the carrier into a peripheral bay cassis slot while the lever is the open position as shown in Fig. 1a; and securing the carrier to the peripheral bay cassis by rotating the lever to the closed position to extend the upper engagement point beyond the upper most surface of the base (as best shown in Figs. 1a and 3) and the lower engagement point (10d) is engaged with the peripheral bay cassis as best shown in Fig. 1a (see also col. 6, line 6 to col. 8, line 18).

As per claim 18, as best understood in view of the rejections under 112 second paragraphs based on the adjacent disk drive is the same disk drive recited in claim 18 in line 3, the disk drive is contacted with a conductive finger clip (10d) by the hinge (12) to the peripheral bay cassis (57) as shown in Fig. 1a.

As per claim 20 a release tab (10a) is pressed prior to rotating the lever into the closed position and released the tab after engaging the lower engagement point (10d) into the peripheral bay cassis (57) as shown in Figs. 1a and 5.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 19 is, as best understood in view of the rejections under 112 second paragraphs based on the adjacent disk drive is NOT the same disk drive recited in claim 18 in line 3, rejected under 35 U.S.C. 103(a) as being unpatentable over Tirrell et al. in view of Kim et al. (US PAT. 6,081,420).

If applicant does not agree that the adjacent disk drive is the same disk drive recited in claim 18 in line 3, Kim et al. teach a process of inserting a disk drive (6) into a chassis (3) including a conductive finger clip (7,8) for securing the disk drive to the chassis (col. 3, lines 3-11). Therefore, it would also have been obvious at the time the invention was made to a person having ordinary skill in the art to modify a process of inserting the disk drive into the chassis of Tirrell et al. by attaching the finger clips to the disk drive as taught by Kim et al. for the purpose of securing the disk drive to the chassis.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson et al. (US PAT. 6,058,016), Roscoe et al. (US PAT. 5,978,233), and Becker et al. (US PAT. 5,572,166) are cited to further show the state of the art with respect to method of inserting a disk drive into a chassis.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D Kim whose telephone number is 703-308-8356.

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The examiner can normally be reached on Tuesday-Friday between 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5648.

  
Paul D. Kim  
Examiner  
Art Unit 3729